

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
Civil Action No. 1:18-cv-52**

SHELBY LYNN CASH, and)	
BETTY JOE CASH BAYNE,)	
)	
Plaintiffs,)	
)	
v.)	COMBINED MOTION FOR
)	EXTENSION OF TIME TO
)	RESPOND TO PLAINTIFFS’
LEES-MCRAE COLLEGE,)	OBJECTIONS AND MOTION
INC., et al.,)	FOR LEAVE TO AMEND
)	
Defendants.)	

Defendants, by and through their undersigned counsel and pursuant to Local Rule 7.1, hereby respectfully request an extension of time to respond to Plaintiffs’ Motion for Leave to File an Amended Complaint (DE 18) and Objections to Magistrate Judge Howell’s Report and Recommendation concerning Defendants’ pending Motion to Dismiss (DE 19) for good cause. In support of this combined motion, Defendants state as follows:

1. Plaintiffs filed a complaint on March 5, 2018. (DE 1). Defendants waived service and filed a Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) on May 18, 2018, (DE 3). Plaintiffs filed a

response to the motion on June 18, 2018, (DE 9), and Defendants filed a reply on June 25, 2018, (DE 13).

2. On August 13, 2018, Magistrate Judge Dennis L. Howell issued a report and recommendation which recommends granting the motion to dismiss, (DE 3), in its entirety. (DE 15).

3. On August 27, 2018, Defendants filed a notice of waiver of any objections to the Report and Recommendation, (DE 16), and Plaintiffs filed a motion for an extension of time to file objections until September 10, 2018, (DE 17).

4. On September 6, 2018, Plaintiffs filed a motion for leave to file an amended complaint, (DE 18), and Defendants' response is due September 20, 2018. On September 10, 2018, Plaintiffs filed objections to the report and recommendation, (DE 19), and Defendants' response is due September 24, 2018.

5. Unfortunately, undersigned counsel will not be able to complete these responses by their current deadlines. Carl Newman is scheduled to appear at trial in *Hensley v. Price* before Judge Reidinger beginning on September 17, 2018 and is anticipate to last through at least September 20, 2018; additionally, Counsel is primarily responsible

for a reply brief due in the North Carolina Court of Appeals in *Jackson v. Timken Company*, No. 18-695, due September 20, 2018, a response brief in *Walker v. K & W Cafeterias*, No. 18-429, due September 24, 2018, and an anticipated reply brief in *Hager v. Smithfield East Health Holdings*, No. 18-651, due October 12, 2018; further, a supplemental brief concerning a pending motion for contempt is due on October 5, 2018 in *Rainbow School Inc. v. Rainbow Early Education Holdings*, 5:14-cv-00482 (E.D.N.C.). In light of these pressing matters, Defendants request an extension of time for both the response to the motion to amend and to Plaintiffs' objections to the report and recommendation to October 5, 2018. Katie Weaver Hartzog is similarly unavailable to complete either responsive brief in light of obligations to prepare for and attend a pretrial conference in *Johnson v. Rowan Helping Ministries*, No. 1:17-cv-01073 (M.D.N.C.) on September 19, 2018; an administrative hearing for a Fair Housing Act claim in *Gordon-Cole v. Oak Ridge Meadows*, HUD File No. 04-18-2384-8 in Greensboro on September 26, 2018; and a deposition in *Archer v. Callahan Construction & Dev. Co.*, in Wake County case No. 18-CVS-500037 on September 28, 2018.

6. Counsel have conferred and Plaintiffs have no objection to this request for an extension of time.

WHEREFORE, Defendants request the Court grant an extension of time to respond to the Plaintiffs' Objections to the Report and Recommendation and to Plaintiffs' Motion for Leave to File an Amended Complaint to Friday, October 5, 2018.

This the 12th day of September, 2018.

Respectfully submitted,

/s/ Katie Weaver Hartzog

KATIE WEAVER HARTZOG

N.C. State Bar No. 32989

khartzog@cshlaw.com

CARL NEWMAN

N.C. State Bar No. 52943

cnewman@cshlaw.com

CRANFILL SUMNER & HARTZOG LLP

Post Office Box 27808

Raleigh, North Carolina 27611-7808

Telephone: 919/828-5100

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on September 12, 2018, I electronically filed the foregoing *Combined Motion for an Extension of Time to Respond* with the Clerk of Court using the CM/ECF system, which will send notification to counsel of record below:

Stephen P. Lindsay
Kerstin Walker Sutton
Sutton & Lindsay, PLLC
46 Haywood Street, Suite 200
Asheville, NC 28801
E-mail: spl@suttonlindsay.com
E-mail: kws@suttonlindsay.com

CRANFILL SUMNER & HARTZOG LLP

/s/ Katie Weaver Hartzog
KATIE WEAVER HARTZOG
N.C. State Bar No. 32989
khartzog@cshlaw.com
CARL NEWMAN
N.C. State Bar No. 52943
cnewman@cshlaw.com
Post Office Box 27808
Raleigh, North Carolina 27611-7808
Telephone: 919/828-5100
Attorney for Defendants